

REMARKS

The present amendment is submitted in response to the outstanding Office Action dated May 21, 2004, and is believed to be fully responsive to the rejections raised therein. In view of the foregoing amendments and the comments that follow, favorable reconsideration and allowance are respectively requested.

Claims 1-8 are pending in the application; claims 2-8 being canceled without prejudice.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 102(e) as being anticipated by Leopold et al. (USP 6,226,493 B1).

Claim 1 recites the step of “utilizing a complementary channel arrangement for the two satellites which facilitates full dual pole coverage continuity when one of the satellites fails.”

Column 1, lines 34-42 of the Leopold et al. patent, referenced in the rejection of claim 1, recites that “In some prior art systems, multiple geostationary satellites are placed within a single orbital slot in order to increase the traffic carrying capacity of the system within that slot. This is referred to as co-positioning or co-location. For example, multiple geostationary Astra satellites are operated within an orbital slot centered at 19.2 degrees east. U.S. Pat. No. 5,506,780 (Montenbruck, et al.) also discloses a geostationary satellite system which includes multiple, co-located satellites.”

Furthermore, column 11, line 50 – column 12, line 33 of the Leopold et al. patent, referenced in the Office Action relate to handing off a communication link from a first geosynchronous satellite to a second geosynchronous satellite.

Applicant submits that the Leopold et al. patent does not teach utilizing a complementary channel arrangement for the two satellites which facilitates full dual pole coverage continuity when one of the satellites fails, as recited in claim 1. Rather Leopold et al. teaches co-locating two satellites and handing off communication from one satellite to the other. Leopold does not teach or suggest what to do in the event of failure of one

of the satellites, let alone teach or suggest utilizing a complementary channel arrangement for the two satellites which facilitates full dual pole coverage continuity.

With regard to claim 2, this claim has been canceled without prejudice.

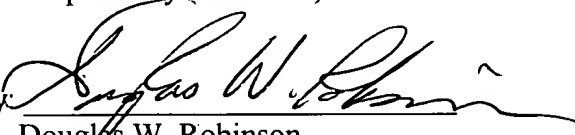
In paragraph 3 of the Office Action, claims 3 and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tong et al. (USP 6,337,658 B1). Furthermore, claim 4 was rejected under 35 U.S.C. § 102(e) as being anticipated by Cable et al. (USP 6,570,859 B1), and claims 6, 7 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lo (EP Application No. 472,018 A2).

In response, claims 3-8 have been canceled without prejudice.

In view of the foregoing, Applicants submit that claim 1 is patentable over the art of record and favorable reconsideration is respectfully requested. The present amendment is being submitted within the three month period for response to the outstanding Office Action. Applicants hereby petition for any fees required to maintain the pendency of this case, except for the Issue Fee, and such fee is to be charged to Deposit Account No. 19-0733.

If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,

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